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Air Pollution Regulations in State Implementation Plans: Louisiana

Abcor Inc, Wilmington, MA Walden Div

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Air Pollution Regulations in State Implementation Plans: Louisiana

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EPA-450/3-78-068 Air Pollution Regulations in State Implementation Plans: Louisiana

12

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Louisiana

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-068

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET
OF
EPA-APPROVED REGULATION CHANGES

LOUISIANA

<u>Submittal Date</u>	<u>Approval Date</u>	<u>Description</u>
7/17/72	10/28/72	Regs. 6, 8, 19, 22 A 22, 17, 28
4/25/72	7/13/73	Reg. 6.1

FEDERAL REGULATIONS

<u>Section Number</u>	<u>Description</u>
52.976	Review of new or modified indirect sources
52.982	Public availability of emission data
52.985	Prevention of significant deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

- 1.0 DEFINITIONS
- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
- 3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS
- 4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)
 - 4.1 PARTICULATES
 - 4.2 SULFUR DIOXIDE
 - 4.3 NITRIC OXIDES
 - 4.4 HYDROCARBONS
 - 4.5 CARBON MONOXIDE
 - 4.6 OXIDANTS
 - 4.7 OTHERS
- 5.0 VARIANCES
- 6.0 COMPLIANCE SCHEDULES
- 7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE
- 8.0 EMERGENCY EPISODES
- 9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING
- 10.0 NEW SOURCE PERFORMANCE STANDARDS
- 11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS
- 12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS
- 13.0 RECORD KEEPING AND REPORTING
- 14.0 PUBLIC AVAILABILITY OF DATA
- 15.0 LEGAL AUTHORITY AND ENFORCEMENT
- 16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS
- 17.0 PREVENTION OF SIGNIFICANT DETERIORATION
- 18.0 AIR QUALITY MAINTENANCE AREA
- 19.0 - 49.0
RESERVED FOR FUTURE EXPANSION OF COMMON INDEX
- 50.0 POLLUTANT - SPECIFIC REGULATIONS
 - 50.1 PARTICULATES
 - 50.1.1 PROCESS WEIGHT
 - 50.1.2 VISIBLE EMISSIONS
 - 50.1.3 GENERAL

- 50.2 SULFUR COMPOUNDS
- 50.3 NITRIC OXIDES
- 50.4 HYDROCARBONS
- 50.5 CARBON MONOXIDE
- 50.6 ODOROUS POLLUTANTS
- 50.7 OTHERS (Pb, Hg, etc.)
- 51.0 SOURCE CATEGORY SPECIFIC REGULATIONS
 - 51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)
 - 51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)
 - 51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)
 - 51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)
 - 51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)
 - 51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO₂ (includes Fuel Content and Other Related Topics)
 - 51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO₂ (includes Fuel Content and Other Related Topics)
 - 51.8 HOT MIX ASPHALT PLANTS
 - 51.9 INCINERATION
 - 51.10 NITRIC ACID PLANTS
 - 51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide
 - 51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)
 - 51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)
 - 51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)
 - 51.15 PETROLEUM REFINERIES
 - 51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)
 - 51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)
 - 51.18 SULFURIC ACID PLANTS
 - 51.19 SULFURIC RECOVERY OPERATIONS
 - 51.20 WOOD WASTE BURNERS
 - 51.21 MISCELLANEOUS TOPICS

TABLE OF CONTENTS

STATE REGULATIONS

<u>Revised Standard Subject Index</u>	<u>Section Number</u>	<u>Title</u>	<u>Page</u>
(2.0)	1.0	General	1
(2.0)	2.0	Scope	1
(2.0)	3.0	Authority	1
(1.0)	4.0	Definitions	1
(2.0)	5.0	Meeting of the Commissions	7
(2.0)	6.0	Development of Facts	7
(16.0)	7.0	Investigations	10
(4.0)	8.0	Air Contaminants	11
(50.1)	9.0	Control of Air Pollution From Sus- pended Particulate Matter	12
(50.1.3)	10.0	Control of Air Pollution From Dustfall	14
(51.13)	11.0	Control of Air Pollution From Outdoor Burning	15
(50.2)	12.0	Control of Pollution From Sulfur Dioxide	17
(50.5)	13.0	Control of Air Pollution From Carbon Monoxide	18
(50.4)	14.0	Control of Air Pollution From Hydrocarbons (Non-Methane)	19
(50.7)	15.0	Control of Air Pollution From Atmospheric Oxidants	20
(50.3)	16.0	Control of Air Pollution From Nitrogen Oxides	21
(50.0)	17.0	Source Emissions	22
(50.1.2)	18.0	Control of Air Pollution From Smoke	23

TABLE OF CONTENTS

STATE REGULATIONS

<u>Revised Standard Subject Index</u>	<u>Section Number</u>	<u>Title</u>	<u>Page</u>
(50.1)	19.0	Emission Standards For Particulate Matter	24
(51.9)	20.0	Incinerators	26
(51.5)	21.0	Emission of Particulate Matter From Fuel Burning Equipment	28
(51.16)	22.0	Control of Volatile Organic Compound Emissions From New Sources	29
(51.16)	A 22.0	Control of Volatile Organic Compound Emissions From Existing Sources	32
(51.14)	23.0	Emission Standards For the Chemical Woodpulping Industry	35
(50.2)	24.0	Emission Standards For Sulfur Oxides	35
(50.5)	25.0	Control of Carbon Monoxide	37
(51.10)	26.0	Emission Standards For the Nitric Acid Industry	38
(8.0)	27.0	Prevention of Air Pollution Emergency Episodes	40
(51.17)	28.0	Emission Standards For Particulate Matter-Horizontal Stud Soderberg Process - Primary Aluminum Industry	42

TABLE OF CONTENTS
FEDERALLY PROMULGATED REGULATIONS

<u>Revised Standard Subject Index</u>	<u>Section Number</u>	<u>Title</u>	<u>Page</u>
(10.0)	52.976	Review of New or Modified Indirect Sources	62
(14.0)	52.982	Public Availability of Emission Data	72
(17.0)	52.985	Prevention of Significant Deterioration	73

(2.0) 1.0 GENERAL

1.1 By virtue of Section 2204 of Title 40 of the Revised Statutes of Louisiana this Air Control Commission was established with the intent and purpose of maintaining the purity of the air resources of the State of Louisiana consistent with the protection of the health and physical property of the people, maximum employment and the full industrial development of the State. R.S. 40:2204 (A) sets forth the powers of this Commission and by subparagraph (2) thereof authorizes the promulgation by this Commission of rules and regulations consistent with said intent and purpose in the manner and in accordance with the provisions of Section 2201 et. seq. of Title 40 which was enacted by the Legislature as the law of this State by Act 259 of 1964.

(2.0) 2.0 SCOPE

2.1 These air quality standards and emission regulations apply to any source or emission existing partially or wholly within the State Louisiana.

(2.0) 3.0 AUTHORITY

3.1 The Louisiana State Department of Health has been authorized by the Louisiana Air Control Commission to provide and administer these regulations under R.S. 40:2204 (A) and in accordance with the provisions of Section 2204 et. seq. of Title 40 enacted by the State Legislature as the law of this State by Act 259 of 1964.

(1.0) 4.0 DEFINITIONS

When used in these rules and regulations the following words and phrases shall have the meanings ascribed to them below.:

4.1 Act. Act 1964 No. 259, Louisiana Air Control Law. Used to denote Chapter 12, Title 40, Section 2201 et. seq. including amendments.

4.2 Aerosol. A suspension of fine solid or liquid particles in the air.

4.3 Afterburner. A secondary burner which is used to oxidize and combust air contaminants to a less damaging form.

4.4 Air Contaminants. Particulate matter, dust fumes, gas, mist, smoke, or vapor, or any combination thereof produced by process other than natural.

4.5 Air Pollution. The addition of air contaminants to the atmosphere.

4.6 Ambient Air. The outdoor air or atmosphere which surrounds the earth.

- 4.7 Application for Approval of Emissions. An application submitted to the Louisiana Air Control Commission by any person requesting a permit for any change in emissions into the ambient atmosphere.
- 4.8 ASME. American Society of Mechanical Engineers.
- 4.9 ASTM. American Society for Testing Materials.
- 4.10 Carbon monoxide. (CO) Colorless, odorless, gas which is an oxide of carbon.
- 4.12 COH. (Coefficient of Haze per 1000 linear feet).
- 4.13 Combustion Unit. Any boiler plant, furnace, incinerator or flare, or any other item of equipment designed or used for the combustion of fuel or waste material.
- 4.14 Commission. The Air Control Commission of the State of Louisiana.
- 4.15 Control Equipment. Any device or contrivance used to prevent or reduce air pollution.
- 4.16 Department. The Louisiana State Department of Health.
- 4.17 Distance from Source to Property Line. The horizontal distance measured in feet from the centerline of a source to adjacent land or water which is not owned or controlled by the person emitting air contaminants from the source.
- 4.18 Downwind Level. The concentration of air contaminants in the atmosphere as measured at any downwind point beyond the downwind boundry of a property, at which point the level of air contaminants is affected by an emission or emissions from the property.
- 4.19 Dustfall. A measure of the rate of deposition of particulate matter which settles rapidly due to gravity.
- 4.20 Dwelling. A building or other shelter in which people live.
- 4.21 Effluent Water Separator. Any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- 4.22 Emission. A release of air contaminants into the outdoor atmosphere.
- 4.23 Emission Inventory. A tabulation of data detailing the types, amounts, quantities and sources of emissions.

- 4.24 Flue. Any duct, passage, stack, chimney, conduit or opening arranged to conduct air contaminants into the open air.
- 4.25 Fossil Fuel. Natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials.
- 4.26 Fossil Fuel - Fired Steam Generating Unit. A furnace or boiler used in the process of burning fuel or combustible material for the primary purpose of producing heat or power by indirect heat transfer.
- 4.27 Fuel Burning Equipment. Any stationary contrivance used in the process of burning fuel or combustible material for the primary purpose of producing heat or power by indirect heat transfer.
- 4.28 Fugitive Dust. Solid, airborne particulate matter emitted from any source other than through a stack.
- 4.29 Garbage. All putrescible waste matter except sewage and recognizable industrial by-products. It includes putrescible vegetable matter, animal offal, and animal carcasses.
- 4.30 Heat Input. The aggregate of heat content of all fuels whose products of combustion pass through a stack or stacks.
- 4.31 Hydrocarbon. Organic compounds, the molecules of which consist primarily of carbon and hydrogen atoms.
- 4.32 IIA. Incinerator Institute of America.
- 4.33 Impairment of Visibility. Impairment exists whenever horizontal visibility at or near ground level is reduced to three times the stopping distance graphically presented in the Louisiana State Driver's Guide, Part IV, Safety Rules and Practices--Speed and Stopping Distance.
- 4.34 Incinerator. An engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semi-solid, liquid, or gaseous waste at specified rates and from which the residue contains little or no combustible material.
- 4.35 Installation. Any property, real or personal, including but not limited to processing equipment, manufacturing equipment, fuel burning equipment, incinerators, or other equipment, or construction, capable of creating or causing emissions.
- 4.36 ug/m³ (Micro grams per cubic meter). A weight to volume ration used to measure the mass of an air contaminant present in given volume or air.
- 4.37 Modification. Any physical change in or change in the method of operation of, an affected facility which increased the amount of

any air pollutant emitted by such facility or which results in the emission of any air pollutant not previously emitted, except (1) Routine maintenance repair and replacement shall not be considered physical changes and (2) An increase in production rates or hours of operation shall not be considered a change in the method of operation.

- 4.38 Multiple Chamber Incinerator. Any incinerator which has two or more refractory lined combustion furnaces in series, physically separated by a refractory wall, interconnected by gas ducts or ports, and employing adequate parameters for maximum combustion of the material to be burned.
- 4.39 New Source. Any affected facility, the construction or modification of which is commenced after the adoption of these standards.
- 4.40 Nitric Acid Production Unit. Any facility producing weak nitric acid by either the pressure or atmospheric pressure process.
- 4.41 Nitrogen Oxides. Compounds whose molecules consist of nitrogen and oxygen.
- 4.42 Nuisance. Anything that unlawfully worketh hurt, inconvenience or damage.
- 4.43 Opacity. The degree to which a smoke plume will block the passage of a beam of light.
- 4.44 Organic Solvent. A hydrocarbon liquid used to dissolve other compounds.
- 4.45 Outdoor Burning. Burning of any material without the benefit of equipment primarily designed for the combustion of fuel and/or waste material and/or in such a manner that the products of combustion are emitted directly to the atmosphere without passing through a flue or combustion unit as defined in Section 4.13.
- 4.46 Particulate Matter. Material, discharged into the atmosphere in a finely divided form as a solid.
- 4.47 Portland Cement Plant. Any facility manufacturing Portland cement by either the wet or dry process.
- 4.48 Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity or their legal representatives, agents or assigns.
- 4.49 Photochemical Oxidant. The products of a chemical reaction, triggered by sunlight, between various hydrocarbon or organic compounds and the oxides of nitrogen.

- 4.50 ppm by volume. Parts per million by volume. A volume to volume ratio used to express volumetric concentrations of gaseous air contaminants in a million unit volume of air.
- 4.51 Premises. That which is within the boundaries or confines of any real property.
- 4.52 Process Weight. Any total weight of all materials introduced into any specific process which may cause emissions. Solid fuel charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.
- 4.53 Property. Any land owned or controlled by a person.
- 4.54 Public Nuisance. Any condition of the ambient air beyond the property line of the offending person which is offensive to the senses, or which causes or constitutes an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- 4.55 Refuses. All putrescible waste matter, all non-putrescible waste matter, ashes, animal and vegetable waste and all other waste matter, except sewage, from any public or private establishment, institution, or residence or resulting from construction, building operations, or the prosecution of any business, trade, or industry.
- 4.56 Ringelmann Smoke Chart. The Ringelmann Scale for Grading the Density of Smoke, published by the U.S. Bureau of Mines, or any chart, which is approved by the Commission as the equivalent of the Ringelmann Scale.
- 4.57 Rubbish. All non-putrescible waste matter except ashes, from any public or private establishment, institution, or residence.
- 4.58 Smoke. Any small gas-borne particles resulting from, but not limited to, incomplete combustion, consisting predominantly of carbon and other combustible material, and present in sufficient quantity to be observable.
- 4.59 Soiling Index. A measure of airborne particulates given as coefficient of haze per 1000 linear feet of air.
- 4.60 Source. Any and all points of origin of air contaminants as defined in Section 4.4 hereof, whether privately or publicly owned or operated.
- 4.61 Stack or Chimney. Any flue, conduit or duct arranged to conduct emissions from the source to the ambient air (not limited to visible vertical structures.)

- 4.62 Standard Conditions. A gas at 21° C or 70° F and 29.92 inches (760 Millimeters) of Mercury.
- 4.63 State. The State of Louisiana.
- 4.64 Submerged Fill Pipe. Any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches (15 cm) above the bottom of the tank; or when applied to a tank which is loaded from the side, means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches (45 cm) above the bottom of the tank.
- 4.65 Sulfation Rate. Used as a measure of the sulphur compounds in the atmosphere. It is the rate at which oxidizable sulphur compounds in the atmosphere convert lead peroxide into lead sulphate.
- 4.66 Sulphur Compounds. All inorganic or organic chemicals having an atom of sulphur in their chemical structure.
- 4.67 Sulphur Dioxide. (SO₂) An oxide of sulphur.
- 4.68 Sulphur Trioxide. (SO₃) An oxide of sulphur.
- 4.69 Sulfuric Acid. (H₂SO₄) A heavy corrosive oily di-basic acid that is colorless when pure and is a vigorous oxidizing agent.
- 4.70 Sulfuric Acid Production Unit. Any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
- 4.71 Suspended Particulate Matter. Any finely divided solid and/or liquid matter which does not rapidly settle from the ambient air.
- 4.72 Technical Secretary. The Technical Secretary of the Louisiana Air Control Commission as specified in R. S. 40:2202.
- 4.73 Undesirable Levels. Undesirable levels of the items defined in Section 4.4 hereof is the presence in the atmosphere, as limited by R. S. 40:2204 (C), of one or more of such items or combinations thereof in quantities and concentrations and of such characteristics, properties and duration as to appreciably injure human life beyond inconvenience or in quantities and concentrations and of such characteristics, properties and duration as to materially injure or interfere with the reasonable use of animal or plant life or property.
- 4.74 Upwind Level. The concentration of air contaminants in the atmosphere determined at some point upwind of the source. This concentration may be considered as the background level.

4.75 Variance. A waiver issued by the Air Control Commission upon application to allow emissions greater than those allowable under the Regulation of this Act.

4.76 Volatile Organic Compounds. Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with square inch absolute (77.6 mm Hg) or greater under actual storage conditions.

4.77 Waste Classifications. Those seven classifications of wastes as enumerated in the I.I.A. incinerator standards.

4.78 Weak Nitric Acid. Acid which is 30 to 70 percent in strength.

(2.0) 5.0 MEETING OF THE COMMISSIONS

5.1 The Technical Secretary shall prepare a proposed agenda for each meeting of this Commission and shall submit said proposed agenda to each member of the Commission at least 20 days prior to each meeting.

5.2 Each member of the Commission may submit matter to the Technical Secretary for inclusion in an agenda prior to 15 days before any meeting.

5.3 Said proposed agenda shall be made final and affected parties notified 10 days prior to any meeting.

5.4 The commission will not consider any matter which has not been included in the agenda.

5.5 No complaints concerning the existance of undesirable levels will be heard by this Commission until they have submitted to the Technical Secretary in writing and his investigation has been completed and his formal complaint as called for by R. S. 40:2208 has been placed on an agenda for a meeting of this Commission by the Technical Secretary.

(2.0) 6.0 DEVELOPMENT OF FACTS

Pursuant to the provisions of R. S. 40:2204 (A) (3) concerning the Commissions's power to develop facts consistent with the purposes of the Louisiana Air Control Law, the following shall apply:

6.1 Any person planning to initiate, or increase the emission of air contaminants as defined in Section 4.4 of these rules and regulations, which emission was not being conducted on or prior to the effective date of this regulation, shall, before beginning construction or modification of any facility which ultimately may result in such emissions, advise the Louisiana Air Control Commission New Orleans, Louisiana, writting, concerning his intentions, and shall supply to the Commission a report describing what is proposed

and the steps which will be taken to protect the air of the State against new pollution or an increase in existing air pollution, such report to include plans, specifications, and any other information the Commission deems necessary to make a determination under 6.1.2. Said report shall be prepared in accordance with the general rules, which follow, for submission of industrial waste reports, and no construction or modification of a facility which ultimately may result in emission of air contaminants as defined in section 4.4 shall be started until the report has been approved and a certificate of approval is granted, which are considered by the Commission to be reasonable and necessary, shall be included in the certificate of approval. This regulation does not apply where the projects involved were under actual construction or alteration as of June 19, 1969. It is the intent of this Regulation that suitable controls be applied to new installation and/or in cases where major and permanent process changes are to be made or where significant changes in emissions are anticipated. This regulation does not apply to emergency operations; however, the Air Control Commission should be advised of such occurrences without delay.

- 6.1.1 The Commission may exempt certain facilities or types of facilities from requirements of Section 6 if it is found, upon investigation, that such facilities or types of facilities will not make a significant contribution of air contaminants to the atmosphere.
- 6.1.2 In those cases where the Commission has, after proper investigation, determined that any proposed new emissions point source will prevent attainment of maintenance of the state's ambient air standards, the Commission shall have the power to prevent construction, modification or operation of such new, or modification or operation of such new, or modified emission point source.
- 6.2 Professional Engineer Required. The information submitted in compliance with this Regulation, shall be prepared by or under the supervision of a person properly qualified to perform engineering work as provided in the Louisiana Professional Engineers and Land Surveyors Registration Act. The report containing the required information shall be submitted to the Louisiana Air Control Commission, New Orleans, Louisiana, and shall be approved by a responsible official authorized to act for the person or whose behalf the report is submitted. Said report should be submitted, preferably thirty days, and at least two weeks, before approval is desired.
- 6.3 To comply with these regulations, the report concerning the contemplated actions enumerated shall include the following:

- 6.3.1 A brief statement describing the action which is proposed.
- 6.3.2 A statement giving the location of the industrial plant or manufacturing establishment, or a map showing such location.
- 6.3.3 A statement giving the location of sources of emission of air contaminants as defined in Section 4.4, the size of the outlets of such sources, the rate and temperature of the emission from such sources and the composition and description of the air contaminants being emitted from said sources.
- 6.3.4 A statement giving a description of the air pollution abatement measures which will be utilized, and if no facilities within the definitions of this term are contemplated, the steps which will be taken to prevent the emission of sufficient quantities of pollutants to result in undesirable levels.
- 6.3.5 An estimate of the extent to which the emission from the proposed facilities will alter or affect the quantity of the air of Louisiana.
- 6.3.6 Such other pertinent data as may be necessary for a good understanding of the proposal which is being made.
- 6.4 Nothing herein contained, however, shall require the owner of any industrial or municipal establishment to disclose any classified data of the Federal Government or any confidential information relating to secret processes or economics of operation.
- 6.5 In any case in which there is to be any reduction in emissions, or any alterations, a letter of notification of such reductions or alterations must be transmitted to the Technical Secretary before the changes are commenced. The notification shall include all information required in Section 6.3.
- 6.6 New or modified fossil fuel-fired steam generating units or more than 250 million B.T.U. per hour heat input, incinerators which have a charging rate in excess of 40 tons per 24 hours, Portland cement plants, nitric acid production units and sulfuric acid production units may submit a copy of their Federal Permit in lieu of a formal permit application.
- 6.7 COMPLIANCE SCHEDULES. Owners and or operators of a source or sources of emissions in the State of Louisiana shall on request of the Technical Secretary submit within 90 days a compliance schedule showing how the source or sources will be brought into compliance with state air quality standards and regulations and federal primary and secondary ambient air quality standards.

- 6.7.1 Owners and or operators shall make any necessary changes in the schedule submitted to obtain an approval of such schedule by the Technical Secretary within 90 days of submission of the schedule.
- 6.7.2 Any compliance schedule extending over 18 or more months from the date of its adoption shall provide for semi-annual reports indicating increments of progress towards compliance with Commission Regulations and standards.

(16.0) 7.0 INVESTIGATIONS

Pursuant to the provisions of R. S. 40:2204 (A) (3) the Technical Secretary shall make such investigations as are necessary and proper to carry out the purposes of the Louisiana Air Control Law and in connection therewith:

- 7.1 In the event that compliance is achieved as a result of private conference, conciliation or persuasion, a notice, in writing, to that effect may be sent by the Technical Secretary to the owner or operator of such claimed violation. In the event that the Technical Secretary determines after said private conference that no violation exists the Technical Secretary may send a notice in writing to that effect to said owner or operator of said claimed violation within thirty (30) days.
- 7.2 All such complaints and notices called for by R. S. 40:2208 (B) shall be sent by certified or registered mail addressed to the person who represented the alleged violator in said private conference; or, if the alleged violator is a corporation addressed to its registered agent for service of process.
- 7.3 Any investigations made by the Technical Secretary pursuant to R. S. 40:2208 (A) upon receipt of information concerning an alleged violation shall be made only upon receipt by the Technical Secretary of written complaint of a violation of the Louisiana Air Control Law or any of these rules and regulations.
- 7.4 In the event that any investigation reveals that no violation of the Louisiana Air Control Law or of these rules and regulations is found to exist, the Technical Secretary may advise the complaining person and the person complained against of this fact.
- 7.5 Any information relating to secret processes or method of manufacture of production obtained by the Commission or by the Technical Secretary shall be kept confidential and this Commission will, in the event any such process or method of manufacture or production is involved in any hearing, close such hearing to the public for the purpose of hearing testimony regarding such process or method

of manufacture of production and such information and testimony shall not be made a part of the transcript of said hearing.

(4.0) 8.0

AIR CONTAMINANTS

- 8.1 Purpose. It is hereby declared to be the public policy of the State of Louisiana to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this State and facilitate the enjoyment of the natural attractions of the State.
- 8.2 No person or persons owning, leasing, renting, or controlling the operation of any source of air contaminants shall cause suffer, allow, or permit (willfully, negligently, or through failure to provide necessary facilities or to take necessary precautions) the emission from this source of air contaminants which will result in "undesirable levels" as defined in Section 4.73 herein in the atmosphere over properties other than that of the person owning, leasing, renting or controlling the operation of such source.
- 8.3 No person shall dispose of refuse or waste material in such a manner as to cause "undesirable levels" as defined in Section 4.73 herein.
- 8.4 Ambient Air Quality Standards. The standards of ambient air quality listed in Table I define the limits of air contamination by particulates and gases, above which limits the ambient air is hereby declared to be unacceptable and requires air pollution control measures. Until additional pertinent information becomes available through surveillance and research with respect to the effects of the air contaminants listed in Table I, the air quality limits in background levels of particulates and gases.
- 8.5 Responsible Persons to Have Tests Made. The Department may require any person responsible for the emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source whenever the Department has reason to believe that an emission in excess of that allowed by these regulation is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests. All owners or operators of stationary sources shall maintain records and semi-annually report to the state date on emissions and any other information needed to determine compliance with these regulations.
- 8.6 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall

provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sending devices as may be necessary for proper determination of the emission of air contaminants.

- 8.7 New Sources Shall Provide Necessary Sampling Ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

(50.1) 9.0 CONTROL OF AIR POLLUTION FROM SUSPENDED PARTICULATE MATTER

9.1 Ambient Air Quality Standards for Suspended Particulate Matter

- 9.1.1 Purpose. The purpose of this section is to maintain concentrations of particulate matter in the ambient air at levels which will not cause damage or injury to plant or animal life. In addition to health consideration, lower particulate matter concentrations will result in economic and aesthetic benefits such as increased visibility and reduced soiling and corrosion.

- 9.1.2 Scope. This section is applicable to all sources of particulate matter into the ambient air.

- 9.1.3 Concentrations of Particulate Matter in Ambient Air Restricted. The standards of ambient air quality listed in Table I define the limits of air contamination by particulates and gases. No person or group of persons shall allow particulate matter to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels of particulates and gases.

- 9.1.4 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing emissions in such manner as prohibited by these regulations.

- 9.1.5 Degradation of Ambient Air Having Higher Quality than Set Forth in this Section Restricted. As of the effective date of these regulations all processes which currently result in higher ambient air quality than shown in Table I shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

- 9.2 To aid in controlling the overall levels of air contaminants into the atmosphere, air pollution control facilities should be installed whenever practically, economically and technologically feasible. When facilities have been installed on a property they shall be used whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded.

9.3 Provision Governing Specific Activities.

9.3.1 Substances which are by nature toxic to human or animal life or vegetation shall be controlled to more restrictive levels than is required for suspended particulate generally, and shall not be emitted in such quantities or concentrations as to produce undesirable levels.

9.3.2 The emissions which pass onto or across a public road and create a traffic hazard by impairment of visibility or intensifies an existing traffic hazard condition is prohibited.

9.4 Exclusions from Application of this Section

9.4.1 The following matters are excluded from the application of this Section:

Emissions of suspended particulate matter pursuant to and in compliance with the terms of a variance granted by the Commission.

9.4.2 Any person claiming exclusion from the application of this Section under this provision shall apply to the Commission through the Technical Secretary for exclusion. The applicant shall furnish such information as the Commission may reasonably require to enable it to make a determination. The Commission may make such determination and apply such conditions as may be appropriate to the activity in question. A person granted an exclusion under this provision may be required to furnish the Commission with plans satisfactory to the Commission for implementing any reasonable control measures which may be developed or which may otherwise become available.

9.5 Measurement of Concentrations.

9.5.1 Particulate shall be measured by the methods listed in Table II or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table II are incorporated as part of these regulations by reference.

9.5.2 The sampling and analytical procedures employed and their numbers, duration and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

- (50.1.3) 10.0 CONTROL OF AIR POLLUTION FROM DUSTFALL
- 10.1 The ambient air quality for dustfall for an area shall be determined on the basis of a sufficient number of samples to adequately characterize the area being evaluated.
- 10.2 The Commission declared that dustfall levels from the ambient atmosphere higher than the levels specified in Table I constitute undesirable levels, whether the sources are from natural causes or from the activities of man, and that a state of air pollution exists when dustfall exceeds these levels.
- 10.3 Measurement of Concentrations.
- 10.3.1 Dustfall shall be measured by the method listed in Table II or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table II are incorporated as part of these regulations by reference.
- 10.3.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.
- 10.4 Provisions Governing Specific Activities.
- 10.4.1 Dustfall of material which is by its nature toxic to human or animal life or vegetation shall be controlled to more restrictive levels than is required for dustfall generally, and it shall not be emitted in such quantities or of such duration or concentrations as to produce undesirable levels.
- 10.5 Exclusions from Application of this Section.
- 10.5.1 The following matters are excluded from the application of this Section:
- Emissions of dustfall pursuant to and in compliance with the terms of a variance granted by the Commission.
- 10.5.2 Any person claiming exclusion from the application of this Section under this provision shall apply to the Commission through the Technical Secretary for exclusion. The applicant shall furnish such information as the Commission may reasonably require to enable it to make a determination. The Commission may make such determination and apply such information as may be required to furnish the Commission with plans satisfactory to the Commission for implementing any reasonable control measures which may be developed or which may otherwise become available.

- (51.13) 11.0 CONTROL OF AIR POLLUTION FROM OUTDOOR BURNING
- 11.1 It is the purpose of this Section to control outdoor burning of waste or other combustible material to prevent undesirable levels of air contaminants in the atmosphere.
- 11.2 The outdoor burning of waste material or other combustible material is prohibited except as provided in Section 11.3 below.
- 11.3 Exceptions to Prohibition Against Outdoor Burning. Outdoor burning of waste material or other combustible material may be conducted in the situations enumerated below if no public nuisance is or will be created and if the burning is not prohibited by and is conducted in compliance with other applicable laws and with Regulations and orders of governmental entities having jurisdiction, including air control Regulations and orders. The authority to conduct outdoor burning under this Regulation does not exempt or excuse the person responsible from the consequences of or the damages or injuries resulting from the burning.
- 11.3.1 Outdoor burning in connection with the preparation of food.
- 11.3.2 Campfires and fires used solely for recreational purposes or for ceremonial occasions.
- 11.3.3 Fires purposely set to forest lands for a specific forest management purpose in accordance with practices acceptable to the Louisiana Forestry Commission.
- 11.3.4 Fires purposely set on agricultural lands for a specific management purpose in accordance with practices acceptable to the Louisiana Department of Agriculture.
- 11.3.5 Outdoor burning in a rural park or rural recreation area of trees, brush, grass and other vegetable matter for game management purposes in accordance with practices acceptable to Louisiana Parks and Recreation Commissions and Louisiana Wildlife and Fisheries Commission.
- 11.3.6 Small fires, by tradesmen and contractors, in such activities as street repair, installation or repair of sewer, water, electric, telephone mains and services.
- 11.3.7 The operation of contrivances using open flames such as welding torches, blow torches, portable heaters and other flame making devices.
- 11.3.8 Outdoor burning, in other than rural park or rural recreation area, of trees, brush, grass, and other vegetable matter from such area in land clearing and right-of-way maintenance operations if the following conditions are met:

- (a) Prevailing winds at the time of the burning must be away from any city or town, the ambient air of which may be effected by smoke from the burning;
- (b) The location of the burning must be at least one thousand (1000) feet from any dwelling other than a dwelling or structure located on the property on which the burning is conducted;
- (c) Care must be used to minimize the amount of dirt on the material being burned;
- (d) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any material other than plant growth which produce unreasonable amounts of smoke may not be burned; nor may these substances be used to start a fire.
- (e) The burning may be conducted only between the hours of 8:00 a.m. and 5:00 p.m.; (Piles of combustible material should be of such size to allow complete reduction in this time interval.)
- (f) The burning must be controlled so that a traffic hazard as proscribed by Section 11.4 is not created.

11.3.9 Fires purposely set for purpose of training public fire-fighting personnel when authorized by the appropriate government entity.

11.3.10 Fires purposely set as a part of an organized program of drills for the training of industrial fire-fighting personnel if the following conditions are met:

- (a) The drills must be solely for the purpose of fire-fighting training, with the use of fuel of all kinds, and the duration of the burning held to the minimum required for such purposes;
- (b) The burning may be conducted only between the hours of 8:00 a.m. and 5:00 p.m.;
- (c) The burning must be controlled so that a traffic hazard as proscribed by Section 11.4 is not created.

11.3.11 Outdoor burning at the site where it occurs of waste hydrocarbon products from petroleum exploration development or production operations, natural gas processing, such as, but not limited to, basic sediments, oil produced in testing an oil well, and paraffin, where it is not practicable to transport the waste products for sale or reclamation, or to dispose of them lawfully in some other manner, and hydrocarbons spilled or lost

from pipeline breaks or other transport failure which cannot practicably be recovered or be disposed of lawfully in some other manner. Except when the immediate or continuous burning of hydrocarbon spills is reasonably necessary to abate or eliminate an existing or imminent threat to injury to human life or significant damage to property, the outdoor burning shall be conducted under the following conditions:

- (a) The location of the burning must not be within or adjacent to a city or town or in such proximity thereto that the ambient air of the city or town may be affected by smoke from the burning.
- (b) The burning may be conducted only between the hours of 8:00 a.m. and 5:00 p.m.
- (c) The burning must be controlled so that a traffic hazard as proscribed by Section 11.4 is not created.

11.3.12

Special Permits or Approvals Required Prior to Initiation of Burning Operation.

- (a) Outdoor burning of explosives, pyrophoric or any other material where there is no practicable or safe method of disposal.
- (b) For experimental burning for purposes of data gathering and research.
- (c) For non-recurring unusual circumstances or any condition not covered above.

11.4

Traffic Hazards Prohibited. The emission of smoke, suspended particulate matter or uncombined water which passes onto or across a public road and creates a traffic hazard by impairment of visibility or intensifies an existing traffic hazard condition is prohibited.

11.5

Exclusion from Application of this Section. Outdoor burning conducted pursuant to and in compliance with the terms of a variance granted by the Commission is excluded from the application.

(50.2) 12.0

CONTROL OF POLLUTION FROM SULFUR DIOXIDE

12.1

Purpose. It is the purpose of this section to establish air standards for the State of Louisiana for sulfur dioxide. It is anticipated that additional provisions covering other sulfur compounds will be adopted as additional data relating to undesirable levels of other sulfur compounds are developed and evaluated.

12.2 Scope. This section is applicable to all sources of sulfur dioxide into the ambient air.

12.3 Degradation of Ambient Air Having Higher Quality than Set Forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Table I shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

12.4 Concentrations of Sulfur Dioxide in Ambient Air Restricted.

12.4.1 The standards of ambient air quality listed in Table I define the limits of air contaminants by sulfur dioxide. No person or group of persons shall allow sulfur dioxide to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.

12.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner as prohibited by these regulations.

12.5 Methods of Sampling and Analysis.

12.5.1 Sulfur dioxide shall be measured by the method or methods listed in Table II or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table II are incorporated as part of these regulations by reference.

12.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

(50.5) 13.0 CONTROL OF AIR POLLUTION FROM CARBON MONOXIDE

13.1 Purpose. It is the purpose of this section to establish air quality standards for the State of Louisiana for carbon monoxide and to enumerate methods for measuring carbon monoxide concentration in the ambient air.

13.2 Scope. This section is applicable to all sources of carbon monoxide into the ambient air.

- 13.3 Degradation of Ambient Air Having Higher Quality than that set forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Table I shall be maintained at the higher process quality level or better, unless it can be affirmatively demonstrated to the Commission that a change is justifiable.
- 13.4 Concentrations of Carbon Monoxide in Ambient Air Restricted.
- 13.4.1 The standards of ambient air quality listed in Table I define the limits of air contamination by carbon monoxide. No person or group of persons shall allow monoxide to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.
- 13.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner as prohibited by these regulations.
- 13.5 Methods of Sampling and Analysis.
- 13.5.1 Carbon monoxide shall be measured by the method listed in Table II, or by such other equivalent methods approved by the Department. The publication or their replacements listed in Table II are incorporated as part of these regulations by reference.
- 13.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.
- (50.4) 14.0 CONTROL OF AIR POLLUTION FROM HYDROCARBONS (NON-METHANE)
- 14.1 Purpose. It is the purpose of this section to establish air standards for the State of Louisiana for hydrocarbons and to enumerate methods for measuring hydrocarbons concentrations in the ambient air.
- 14.2 Scope. This section is applicable to all sources of all non-methane hydrocarbons into the ambient air.
- 14.3 Degradation of Ambient Air Having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Table I shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

14.4 Concentrations of Hydrocarbons in Ambient Air Restricted.

14.4.1 The standards of ambient air quality listed in Table I define the limits of air contamination by non-methane hydrocarbons. No person or group of persons shall allow non-methane hydrocarbons to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.

14.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner as prohibited by these regulations.

14.5 Methods of Sampling and Analysis.

14.5.1 Hydrocarbons shall be measured by the method listed in Table II, or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table II are incorporated as part of these regulations by reference.

14.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

(50.7) 15.0 CONTROL OF AIR POLLUTION FROM ATMOSPHERIC OXIDANTS

15.1 Purpose. It is the purpose of this section to establish air quality standards for the State of Louisiana for atmospheric oxidants and to enumerate methods for measuring oxidant concentrations in the ambient air.

15.2 Scope. This section is applicable to photochemical oxidants in the ambient air.

15.3 Degradation of Ambient Air Having Higher Quality than that set forth in this Section Restricted. As of the effective date of these regulations, all processes, emitting reactive hydrocarbons, which currently result in higher ambient process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

15.4 Concentrations of Oxidants in Ambient Air Restricted.

15.4.1 The standards of ambient air quality listed in Table I define the limits of air contamination by atmospheric oxidants. No person or group of persons shall allow reactive hydrocarbons to become airborne in amounts which cause the ambient air quality standards for photochemical oxidants to be exceeded. The limits stated include normal background levels.

- 15.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such a manner as prohibited by these regulations.
- 15.5 Methods of Sampling and Analysis.
- 15.5.1 Atmospheric oxidants shall be measured by the method listed in Table II, or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table II are incorporated in these regulations by reference.
- 15.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.
- (50.3) 16.0 CONTROL OF AIR POLLUTION FROM NITROGEN OXIDES
- 16.1 Purpose. It is the purpose of this section to establish air quality standards for the State of Louisiana for Nitrogen Oxides and to enumerate methods for measuring concentrations of Nitrogen Oxides in the ambient air.
- 16.2 Scope. This section is applicable to all Nitrogen Oxides, except Nitrous Oxide (N_2O), in the ambient air.
- 16.3 Degradation of Ambient Air Having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Table I shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.
- 16.4 Concentrations of Nitrogen Oxides in Ambient Air Restricted.
- 16.4.1 The standards of ambient air quality listed in Table I define the limits of air contamination by Nitrogen Oxides. No person or group of persons shall allow Nitrogen Oxides to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.
- 16.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such a manner as prohibited by these regulations.

16.5 Methods of Sampling and Analysis.

16.5.1 Nitrogen Oxides shall be measured by the method listed in Table II, or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table II are incorporated in these regulations by reference.

16.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

(50.0) 17.0 SOURCE EMISSIONS

17.1 Purpose. It is the purpose of these emission standards to set forth levels to air quality for the maintenance of public health and safety. These standards set forth a mechanism of achieving cleaner air and are not a permit for unnecessary degradation of air quality. Therefore, quality of emissions as of the effective date of these standards shall be maintained at the higher degree of quality unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable and will be contrary to the purpose of these regulations.

17.2 Scope. The emission standards as presented below pertain to the atmosphere of the State of Louisiana.

17.3 Responsible Person to Have Tests Made. The Department may require any person responsible for the emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

17.4 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

17.5 New sources shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

17.6 Variances.

17.6.1 Where upon written application of the responsible person or persons, the Department finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Department may permit a variance from these or consider a change in these regulations.

17.6.2 No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

17.7 Circumvention. No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise violate these regulations.

(50.1.2) 18.0 CONTROL OF AIR POLLUTION FROM SMOKE.

18.1 It is the purpose of this Regulation to establish emission standards for the State of Louisiana on smoke to prevent undesirable levels of this air contaminant from occurring.

18.2 Control of Smoke. The emission of smoke from any combustion unit and type of burning in a combustion unit (other than a flare), including the incineration of industrial, commercial and municipal wastes, shall be controlled so that the shade or appearance of the emission is not darker than No. 1 on the Ringelmann Smoke Chart, (or of such opacity as to obscure vision to a degree equivalent to the above) except that emitted during the cleaning of a fire box or the building of new fire, charging of incinerator, equipment changes, ash removal and rapping of precipitators may be darker than No.1 on the Ringelmann Smoke Chart (or the equivalent opacity) for a period or periods aggregating not more than four (4) minutes in any sixty (60) consecutive minutes.

18.3 The emission of smoke from a flare or other similar device used for burning in connection with pressure valve released and for control over process upsets shall be controlled so that the shade or appearance of the emission is not darker than No. 1 on the Ringelmann Smoke Chart more than an aggregate time of six (6) hours in any ten (10) consecutive days. If it appears the emergency cannot be controlled in six (6) hours, the Commission shall be notified by the emitter as soon as possible after the start of the upset period.

- 18.4 The restrictions in 18.3 shall not apply during shut-down and start-up periods.
- 18.5 The emissions of smoke which passes onto or across public road and creates a traffic hazard by impairment of visibility or intensifies an existing traffic hazard condition in prohibited.
- 18.6 Exclusions from Application of this Section. The following matters are excluded from Application of this section:
- 18.6.1 Emissions of smoke pursuant to and in compliance with the terms of a variance granted by the Commission.
- 18.6.2 Emissions of smoke from an activity when both of the following conditions are met:
- (a) The source of emissions is in a relatively unpopulated area of the State.
- (b) The Commission determines it is not technically practicable nor economically reasonable to eliminate the emissions.
- 18.6.3 Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of 18.2 of this regulation, Section 18.2 will not apply.
- 18.7 Any persons claiming exclusion from the application of this section under this provision shall apply to the Commission through the Technical Secretary for exclusion. The applicant shall furnish such information as the Commission may reasonably require to enable it to make a determination. The Commission may make such determination and apply such conditions as may be appropriate to the activity in question. A person granted an exclusion under this provision may be required to furnish the Commission with plans satisfactory to the Commission for implementing any reasonable control measures which may be developed or which otherwise become available.
- (50.1) 19.0 EMISSION STANDARDS FOR PARTICULATE MATTER
- 19.1 Purpose. The purpose of this section shall be to limit the quantity of particulate matter emitted.
- 19.2 Scope. This section applies to any operation, process, or activity from which particulate matter is emitted except the wood pulping industry, the primary aluminum industry (Horizontal-Stud Soderberg reduction process) and the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process material.

19.3

Control of Fugitive Dust. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. These precautions shall include but shall not be limited to the following on new sources:

- a) Use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of lands;
- b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;
- c) Installation and use of dust collectors to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other similar operations;
- d) Open bodied trucks transporting materials likely to give rise to airborne dust shall be covered at all times when in motion.
- e) Conducting agricultural practices such as tilling of land, application of fertilizers and insecticides in such a manner as to prevent dust from becoming airborne;
- f) Paving roadways and maintaining the roadways in a clean condition;
- g) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or other means.

19.4

General. The process weight rate per hour referred to in this section shall be based upon the normal operation maximum capacity of the equipment and if such normal maximum capacity should be increased by process or equipment changes, the new normal maximum capacity shall be used as the process weight in determining the allowable emissions.

19.5

Emission Limitations. No person shall cause, suffer, allow or permit the emission of particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in Table III for the process weight rate allocated to such source. The rate of emission shall be the total of all emission points from the source.

19.5.1 Variances. Where upon written application of the responsible person or persons the Department finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and without such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the State and any applicable Federal laws. No variance may permit or authorize the maintenance of a nuisance or a danger to public health or safety.

19.6 Degradation of existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth in Table II shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the guidelines as set forth by these regulations.

19.7 Measurement of Concentrations.

19.7.1 The methods listed in Table IV or such equivalent methods as may be approved by the Department shall be utilized to determine particulate concentrations in stack gases.

19.7.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

19.8 More Stringent Requirements.

19.8.1 The Department may prescribe air quality control requirements that are more restrictive and more extensive than provided for in Section 19.4 if the particulate matter emitted is toxic, or a deleterious substance which may affect human health or wellbeing or which would cause significant damage to animal or plant life.

(51.9) 20.0 INCINERATORS

20.1 Purpose. The purpose of these regulations is to prevent the operation or construction of incinerators in such a manner as to cause air pollution.

20.2 Scope. These regulations are to apply to all incinerators operated or constructed in the State.

- 20.3 The burning capacity of an incinerator shall be the manufacturers or designers guaranteed maximum rate or such other rate as may be determined by the Department in accordance with good engineering practices. In case of conflict, the determination made by the Department shall govern.
- 20.4 All incinerators must be approved by the Department. Any person planning to install or operate an incinerator must complete and return the incinerator form that is available from the Department. The only exceptions are incinerators that appear on the current approved list of on-sit incinerators compiled by the Department.
- 20.5 The amount of particulate matter emitted by an incinerator shall be determined according to ASME "Power Test Codes" PTC-27, dated 1957 and entitled "Determining Dust Concentrations in a Gas Stream" or its replacement or any other method approved by the Department. The above publication is incorporated as part of these regulations by reference.
- 20.6 Restrictions on Emissions.
- 20.6.1 No person shall cause or permit the emission of particulate matter from any incinerator in excess of 0.2 grains of particulate matter per standard cubic foot of dry flue gas corrected to 50% excess air or 12% carbon dioxide.
- 20.6.2 All incinerators must be multichambered or of a design which the Department accepts as being equivalent. All multichambered incinerators must be equipped with secondary burners or such design as to assure a temperature in the secondary combustion chamber of at least 1500°F.
- 20.6.3 No person shall burn or cause or permit the burning of refuse in any installation which was designed for the sole purpose of burning fuel.
- 20.6.4 Variances. Where upon written application of the responsible person or persons the Department finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and without such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the State any any applicable Federal laws.
- 20.7 Disposal of Particulate Matter. No person shall cause of permit the handling, use, transport, or storage of any material in a manner which allows or may allow controllable particulate matter,

fly ash, etc., to become airborne in such amounts as to cause a public nuisance or to cause ambient air quality standards to be exceeded.

- (51.5) 21.0 EMISSION OF PARTICULATE MATTER FROM FUEL BURNING EQUIPMENT.
- 21.1 Purpose. The purpose of this Section shall be to limit the quantity of particulate matter emitted from fuel burning equipment.
- 21.2 Scope. This Section applies to fuel burning installations utilized for the primary purpose of producing steam, hot water, hot air or other indirect heating of liquids, gases, or solids where the products of combustion do not have direct contact with process materials. Fuel includes coal, coke, lignite coke breeze, fuel oil, wood, or other fuels. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.
- 21.3 Emission Limitations. No person shall cause, suffer, allow or permit the emission of particulate matter to the atmosphere from any fuel burning equipment in excess of 0.6 lbs. per 10^6 BTU of heat input. The rate of emission shall be the total of all emission points from the source.
- 21.3.1 Variances. Where upon written application of the responsible person or persons the Department finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and without such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the State and any applicable Federal laws. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.
- 21.4 Degradation of Existing Emission Quantity Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth in Section 21.3 shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the guidelines as set forth by these regulations.
- 21.5 Measurement of Concentrations.
- 21.5.1 The methods listed in Table IV or such equivalent methods as may be approved by the Department shall be utilized to determine particulate concentrations in stack gases.

21.5.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

21.6 More Stringent Requirements.

21.6.1 The Department may prescribe air quality control requirements that are more restrictive and more extensive than provided for in Seciton 21.3 if the particulate matter emitted is toxic, or a deleterious substance which may affect human health of well-being or which would cause significant damage to animal or plant life.

(51.16) 22.0 CONTROL OF VOLATILE ORGANIC COMPOUND EMISSIONS FROM NEW SOURCES

22.1 Purpose. The purpose of this section shall be to limit the quantity of organic compounds emitted.

22.2 Scope. This section is applicable to any new source, or modification from which volatile organic compounds are emitted (except crude oil and condensate).

22.3 Storage of Volatile Organic Compounds. (Large tanks)
No person shall place, store or hold in any new stationary tank, reservoir, or other container of more than 40,000 gallons capacity any volatile organic compounds unless such tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:

- a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and can be equipped a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 110 pounds per square inch absolute or greater under actual storage contions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
- b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

- c) Other equivalent equipment or means as may be approved by the Commission

22.4 Storage of Volatile or Organic Compounds (Small tanks)
No person shall place, store or hold in any new stationary tank, reservoir, or other container or more than 250 gallon (950 liter) capacity any volatile organic compounds unless the container is equipped with a permanent submerged fill pipe or a vapor recovery system, or other equivalent equipment or means as may be approved by the Commission.

22.5 Volatile Organic Compounds (Loading facilities)
Any loading facility for volatile organic compounds servicing tank, trucks or trailers having a capacity in excess of 200 gallons (760 liter) and having 20,000 gallons or more through put per day, averaged over any 30 day period, must be equipped with a vapor collection and disposal system or equivalent means therof. Provisions must be made to prevent spills during the attachment and disconnection of filling lines or arms.

22.6 Volatile Organic Compounds Water Separation
Single or multiple compartment volatile organic compound water separators which receive effluent water containing 200 gallons (760 liters) a day or more of any volatile organic compound from any equipment processing, refining, treating, storing or handling volatile organic compounds having a Reid vapor pressure of 0.5 pounds or greater shall be equipped with one of the following vapor loss control devices properly installed in good working order and in operation:

- a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.
- b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover which rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container walls. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.
- c) A container equipped with a vapor disposal system capable of processing such organic vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.
- d) Other equivalent equipment or means as may be approved by the Commission.

- 22.7 Pumps and Compressors. All pumps and compressors handling volatile organic compounds shall be equipped with mechanical seals or other equivalent equipment or means as may be approved by the Commission.
- 22.7.1 Housekeeping. Best practical housekeeping and maintenance practices must be maintained at the highest possible standards to reduce the quantity of volatile organic compound emissions. Emission of volatile organic compounds must be reduced wherever feasible.
- 22.8 Waste Gas Disposal. Any waste gas stream containing organic compounds from any ethylene producing plant or other ethylene emission source shall be burned at 1300°F. (70°C) for 0.3 second or greater in a direct-flame afterburner or an equally effective device. This section does not apply to emergency reliefs and vapor blowdown systems.
- 22.9 Organic Solvents. Any emission source using organic solvents having an emission of organic solvents or more than 3 pounds (1.3 kg) per hour or 15 pounds (6.8 kg) per day shall reduce the emission by incorporating one or more of the following control methods:
- a) Incineration, provided 90% of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide.
 - b) Carbon absorption of the organic compounds.
 - c) Any other equivalent means as may be approved by the Commission.
- 22.10 Exemptions. Volatile organic compounds which have been shown to be virtually unreactive in the formation of oxidants, e.g., saturated halogenated hydrocarbons, perchloroethylene, benzene, acetone, and C₁ - C₅ n-paraffins crude oil and condensate shall be considered exempt from these regulations. Other compounds which have been shown to have low reactivity, such as, cyclohexanone, ethyl acetate, diethylamine, isobutyl acetate, isopropyl alcohol, methyl benzoate, 2 - nitro propane, phenyl acetate and triethylamine, shall be considered for exemption if their control causes economic hardship.
- 22.11 Variances. Where upon written application of the responsible person or persons the Department finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control or abatement of air

pollution in harmony with the intent of the State and any applicable Federal laws. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

(51.16) A 22.0 CONTROL OF VOLATILE ORGANIC COMPOUND EMISSIONS FROM EXISTING SOURCES.

A 22.1 Purpose. The purpose of this section shall be to limit the quantity of organic compounds emitted.

A 22.2 Scope. This section is applicable to any existing source from which volatile organic compounds are emitted. (Except crude oil and condensate.)

A 22.3 Storage of Volatile Organic Compounds. (Large tanks)
No person shall place, store or hold in any stationary tank, reservoir, or other container of more than 50,000 gallons (190,000 liters) capacity and volatile organic compounds unless such tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all time under normal operating condition to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:

- a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and can be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
- b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic vapors and gases discharged and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.
- c) Other equivalent equipment or means as may be approved by the Commission.

A 22.4 Storage of Volatile Organic Compounds (Small tanks)
No person shall place, store or hold in any stationary tank, reservoir, or other container of more than 250 gallon (950 liter) capacity any volatile organic compounds unless the container is equipped with a submerged fill pipe, a vapor recovery system or other equivalent equipment or means as may be approved by the Commission.

- A 22.5 Volatile Organic Compounds (Loading Facilities)
Any loading facility for volatile organic compounds servicing tanks, trucks or trailers having a capacity in excess of 200 gallons (760 liter) and having 40,000 gallons or more through put per day, averaged over any 30 day period, must be equipped with a vapor collection and disposal system or the equivalent means thereof. Provisions must be made to prevent spills during the attachment and disconnection of filling lines or arms.
- A 22.6 Volatile Organic Compounds Water Separation
Single or multiple compartment volatile organic compound water separators which receive effluent water containing 200 gallons (760 liters) a day or more of any volatile organic compound from any equipment processing, refining, treating, storing or handling volatile organic compounds shall be equipped with one of the following vapor loss control devices properly installed in good working order and in operation:
- a) A container having all openings sealed and totally enclosing the liquids contents. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.
 - b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover which rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.
 - c) A container equipped with a vapor disposal system capable of processing such organic vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging and sampling is taking place.
 - d) Other equivalent equipment or means as may be approved by the Commission.
- A 22.7 Pumps, Compressors, Valves, etc. All pumps and compressors handling volatile organic compounds shall be equipped with mechanical seals or other equivalent equipment or means as may be approved by the Commission.
- A 22.7.1 Housekeeping. Best practical housekeeping and maintenance practices must be maintained at the highest possible standards to reduce the quantity of volatile organic compound emissions. Emissions of volatile organic compounds must be reduced wherever feasible.

- A 22.8 Waste Gas Disposal. Any waste gas stream containing organic compounds from any ethylene producing plant shall be burned at 1300°F. (704°C) for 0.3 second or greater in a direct-flame afterburner or an equally effective device. This section does not apply to emergency reliefs and vapor blowdown systems.
- A 22.9 Organic Solvents. Any emission source using organic solvents having an emission of organic solvents of more than 3 pounds (1.3 kg) per hour or 15 pounds (6.8 kg) per day shall reduce the emission, where feasible, by incorporating one or more of the following control methods:
- a) Incineration, provided 90% of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide.
 - b) Carbon absorption of the organic compounds.
 - c) Any other equivalent means as may be approved by the Commission.
- A 22.10 Exemptions. Volatile organic compounds which have been shown to be virtually unreactive in the formation of oxidants, e.g., saturated halogenated hydrocarbons, perchloroethylene benzene, acetone, and C₁ - C₅ n-paraffins, crude oil and condensate, shall be considered exempt from these regulations. Other compounds which have been shown to have low reactivity, such as, cyclohexanone, ethyl acetate, diethylamine, isobutyl acetate, isopropyl alcohol, methyl benzoate, 2 - nitro propane, phenyl acetate triethylamine, shall be considered for exemption if their control causes economic hardship.
- A 22.11 Variances. Where upon written application of the responsible person or persons the Department finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the State and any applicable Federal laws. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.
- A 22.12 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth herein shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the guidelines as set forth by these regulations.

- (51.14) 23.0 EMISSION STANDARDS FOR THE CHEMICAL WOODPULPING INDUSTRY.
- 23.1 Purpose. The purpose of this section shall be to limit the quantity of atmospheric emissions from pulp manufacturing plants.
- 23.2 Scope. This section applies to manufacturing facilities for the pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other process such as neutral sulfite pulping.
- 23.3 General. The pulp production rates referred to in this section shall be equivalent tons of unbleached air-dry kraft pulp. The equivalent production rate shall be calculated as actual tons of kraft pulp or on the basis that 3,000 lbs. dry solids in spent liquor represents one ton equivalent draft pulp. Lime kiln load shall be rated on the basis of actual draft pulp tons or on the basis that 550 pounds of reburned lime represents one ton equivalent kraft pulp.
- 23.4 Emission Limitations. No person shall cause, suffer, allow or permit emissions to the atmosphere in excess of the limitations stated in this section. Notwithstanding the specific limits set forth in this section, in order to maintain the lowest possible emission of air contaminates, the highest and best practicable treatment and control currently available shall be provided in every case of new construction and/or modernization.
- 23.4.1 Particulate Emission. Emission of particulate matter shall not exceed the following limits:
- (1) For recovery furnaces, not more than 4.0 pounds per equivalent pulp ton.
 - (2) For smelt dissolver vents, not more than 0.5 pounds per equivalent pulp ton.
 - (3) For lime kilns, not more than 1.0 pounds per equivalent pulp ton.
 - (4) For boilers fueled by bark, alone or in combination with other fuels, the provisions of Section 21 shall apply.
- 23.4.2 Sulfur Oxides. Emission of sulfur oxides shall not exceed the limits set forth in Section 24.7.4 of these regulations.
- (50.2) 24.0 EMISSION STANDARDS FOR SULFUR OXIDES
- 24.1 Purpose. The purpose of this section shall be to limit the quantity of sulfur oxides emitted.

- 24.2 Scope. This section applies to any operation, process or activity from which sulfur oxides are emitted.
- 24.3 Responsible Persons to Have Tests Made. The Department may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.
- 24.4 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or such other safe and proper sampling and testing facilities, exclusive of instruments and for proper determination of the emission of air contaminants.
- 24.5 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth in Table II shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the purpose of these regulations.
- 24.6 Measurement of Concentrations.
- 24.6.1 The methods listed in Table IV or such equivalent method as may be approved by the Department shall be utilized to determine sulfur dioxide concentrations in stack gases.
- 24.6.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.
- 24.7 Emissions. Sections 24.7.1, 24.7.2, and 24.7.3 apply to new sources.
- 24.7.1 All refinery process gas streams or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide shall be controlled by flaring or combustion. Small units may be exempted from this section by the Department.
- 24.7.2 The emissions of sulfur dioxide from sulfuric acid production units shall be limited to 6.5 pounds per ton (3.25 kg/metric ton) of 100% acid produces. This is equivalent to a stack gas concentration of 250 to 550 ppm of sulfur dioxide by volume, depending on the strength of the feed gas.

- 24.7.3 The emission of sulfur oxides calculated as sulfur dioxide from a sulfur recovery plant shall be limited to 0.01 pound (kg) per pound (kg) of sulfur processed. This emission limitation corresponds to a sulfur dioxide concentration of approximately 1,300 ppm by volume.
- 24.7.4 Existing Sources. No person shall cause or permit the emission of sulfur dioxide, sulfur trioxide and sulfuric acid mist, from any source, in such manner and amounts that the maximum concentrations attributable to such emissions at any point beyond the premises on which the source is located exceeds those values set forth in Table I. Nor shall any person discharge gases which contain concentrations of SO₂ which exceeds 2000 ppm by volume at standard conditions.
- 24.8 Variances. Where upon written application of the responsible person or persons the Department finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the State and any applicable Federal laws. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.
- (50.5) 25.0 CONTROL OF CARBON MONOXIDE EMISSION. (NEW SOURCE)
- 25.1 Purpose. The purpose of this section shall be to limit the quantity of Carbon Monoxide emitted.
- 25.2 Scope. This section applies to any operation, process or activity from which carbon monoxide is emitted.
- 25.3 Responsible Persons to Have Tests Made. The Department may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.
- 25.4 The Department May Make Tests. The Department may conduct tests of emission of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or ducts and such

other safe and proper sampling and testing facilities, exclusive of instruments and for proper determination of the emission of air contaminants.

- 25.5 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth herein shall be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the purpose of these regulations.

25.6 Emissions.

25.6.1 Ferrous Metal Emissions.

No person shall emit the carbon monoxide gases generated during the operation of a gray iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned in a direct-flame afterburner or are controlled by other means as may be approved by the Commission.

25.6.2 Petroleum Industry Emissions.

No person shall emit the carbon monoxide waste gas stream from any catalyst regeneration of a petroleum crackling system, petroleum fluid coker, or other petroleum process into the atmosphere unless the waste gas stream is burned in a direct-flame afterburner or boiler or is controlled by other means as may be approved by the Commission.

(51.10) 26.0 EMISSION STANDARDS FOR THE NITRIC ACID INDUSTRY.

- 26.1 Purpose. The purpose of this section shall be to limit the quantity of atmospheric emissions from nitric acid plants.

- 26.2 Scope. This section is applicable to all nitric acid production units in the State of Louisiana.

26.3 Exceptions.

- 26.3.1 Start-Up Provisions. A four hour start-up exemption from emission regulations is provided for plants which have been shut-down. It is recognized that existing nitrogen oxide abatement equipment is effective only at normal operating temperatures. This provision allows the necessary time to bring up a facility from a cold start to near steady state conditions.

- 26.3.2 On-Line Operating Adjustments. A four hour exemption from emission regulations will be extended to plants where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. After such an event a complete report, in writing, explaining the conditions and duration of the upset shall be submitted to the Department

within seven calendar days. It is expected that the application of this provision will be infrequent and that ambient air quality will not be significantly affected. The Department reserves the right to review excessive use of this provision on an individual basis.

- 26.4 Emissions. The emission of nitrogen oxides, calculated as nitrogen dioxide, from nitric acid production units shall be limited to 6.5 pounds per ton (3.3 kg/metric ton) of 100% acid produced. This emission limitation is equivalent to a nitrogen dioxide concentration of $\approx$ 500 ppm by volume.
- 26.5 Responsible Persons to Have Tests Made. The Department may require any person responsible for emission of air contaminants to make or have tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.
- 26.6 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and for proper determination of the emission of air contaminants.
- 26.7 Degradation of Existing Emission Quality Restricted. Emission whose quality as of the effective date of these regulations is higher than the standards set forth herein shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the purpose of these regulations.
- 26.8 Measurement of Concentrations.
- 26.8.1 The methods listed in Table IV or such equivalent method as may be approved by the Department shall be utilized to determine oxide of nitrogen concentrations in stack gases.
- 26.8.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

(8.0) 27.0 PREVENTION OF AIR POLLUTION EMERGENCY EPISODES.

27.1 Purpose. This regulation is designed to prevent the buildup of excess concentrations of pollutants, during periods of high air pollution potential, to the point as to be an imminent and substantial hazard to the health of people.

27.2 Scope. The Air Pollution Emergency Episode Plan described herein shall apply to prevention of damage to the health of the people of the State of Louisiana by air pollution episodes.

27.3 Episode Criteria. The Technical Secretary shall have reason to declare an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, whenever he determines that air pollutant concentrations have reached a point in any place that is approaching or has reached a level that could, if sustained long enough, cause a substantial threat to the health of persons. In making this determination, the Technical Secretary will be guided by the following criteria.

27.3.1 "Air Pollution Forecast". The first stage is the Air Pollution Forecast, which is actuated by an atmospheric Stagnation Advisory by the National Weather Service. The Air Pollution Forecast advises Air Control personnel that atmospheric conditions capable of causing an Air Pollution Emergency Episode exist in the area for which the advisory was issued.

27.3.2 "Alert". The Alert level is the concentration of pollutant at which the first stage of control action is taken. An Alert reached at any monitoring site:

SO₂ - 800 ug/m³ (0.3 ppm), 24-hr. average
Particulate - 3.0 COH or 375 ug/m³, 24-hr. average

SO₂ and Particulate Combined - product of SO₂ ppm, 25-hour average, and COHs equal to 0.2 or product of SO₂ - ug/m³, 25-hour average, and particulate ug/m³, 24-hour average equal to 65 x 10³.

CO-17 mg/m³ (15 ppm), 8-hr. average.
Oxidant (O₃), 200 ug/m³ (0.1 pp.), 1-hr. average
NO₂, 1130 ug/m³ (0.6 ppm), 1-hr. average
282 ug/m³ (0.15 ppm), 24-hr. average.

and meteorological conditions indicate that the pollutant concentrations will remain at the above levels 12-hrs. or more or increase unless control actions are taken.

27.3.3 "Warning". The Warning Level indicates that pollutant concentration levels are continuing to rise and further control measures are needed. A Warning will be declared when any one of the following levels is reached at any monitoring site:

SO₂ - 1600 ug/m³ (0.6 ppm), 24-hr. average Particulate - 5.0 COHs or 625 ug/m³, 24-hr. average

SO₂ and Particulate Combined - product of SO₂ ppm, 24-hour average, and COHs equal to .8 or product of SO₂ - ug/m³, 24-hour average equal to 261 x 10³.

CO-34 mg/m³ (30 ppm), 8-hr. average

Oxidant (O₃) ug/m³ 800 ug/m³ (0.4 ppm), 1-hr. average

NO₂ - 2260 ug/m³ (1.2 ppm), 1-hr. average 565 ug/m³ (p.30 ppm), 24-hr. average

and meteorological conditions indicate that the pollutant concentrations remain at the above levels 12 hours or more or increase unless control actions are taken.

26.3.4

"Emergency". The Emergency level indicates that pollutant concentrations are increasing to dangerous levels and that the most stringent control actions are necessary in order to assure a reduction in pollutant concentration levels. An Emergency will be declared when any one of the following levels is reached at any monitoring site:

SO₂ - 2100 ug/m³ (0.8 ppm), 24-hr. average Particulate - 7 COHs or 875 ug/m³, 24-hr. average

SO₂ and Particulate Combined - product of SO₂ ppm, 24-hr. average, and COHs equal to 1.2 product of SO₂ - ug/m³, 24-hr. average and particulate ug/m³, 24-hr. average equal to 393 x 10³.

CO - 46 mg/m³ (40 ppm), 8-hr. average

Oxidants (O₃) - 1200 ug/m³ (0.6 ppm), 1-hr. average

NO₂ - 3000 ug/m³ (1.6 ppm), 1-hr. average
750 ug/m³ (0.4 ppm), 24-hr. average

and meteorological conditions indicate that the pollutant concentrations will remain at the above levels 12-hrs. or more or increase unless control actions are taken.

27.4

Emission Reduction Plans

27.4.1

When the Technical Secretary declares an Air Pollution Alert, any person responsible for the operation of sources of air pollution as listed in Table V shall take such action as prescribed by Table V and shall activate the preplanned abatement strategy listed in 27.5 for an Air Pollution Alert.

- 27.4.2 When the Technical Secretary declares an Air Pollution Warning, any person responsible for the operation of sources of air pollution as listed in Table VI shall take such action as prescribed by Table VI and shall activate the preplanned strategy listed in 27.5 for an Air Pollution Warning.
- 27.4.3 When the Technical Secretary declares an Air Pollution Emergency, any person responsible for the operation of sources of air pollution as listed in Table VII shall take such action as prescribed by Table VII and shall activate the preplanned abatement strategy for an Air Pollution Emergency.
- 27.4.4 When the Technical Secretary determines that the criteria level has been reached due to the emissions of a limited number of sources, he shall notify such sources that the preplanned strategy in Table V, VI or VII standby plan should be put into effect.

27.5 Preplanned Strategies.

- 27.5.1 Any person responsible for operation of a source as listed in Tables I - VII shall prepare standby plans for the reduction of emissions during periods of Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency, standby plans shall be designed to reduce or eliminate emissions in accordance with the objectives as set forth in Tables V - VII.
- 27.5.2 During an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, standby plans as required by this section shall be made available on the premises to any person authorized by the Air Control Commission to enforce these regulations.
- 27.5.4 Standby plans as required by this section shall be available to the Technical Secretary upon request for evaluation as to the adequacy of the plan to effectively meet the objectives set forth in Table V - VII. Any company asked to furnish a standby plan to the Technical Secretary shall have 30 days from the date of request to submit a plan.

(51.17) 28.0 EMISSION STANDARDS FOR PARTICULATE MATTER - HORIZONTAL STUD SODERBERG PROCESS - PRIMARY ALUMINUM INDUSTRY.

- 28.1 Purpose. The purpose of this section shall be to limit the quantity of particulate emitted from all horizontal stud Soderberg Processes of the primary aluminum industry in Louisiana.
- 28.2 Scope. This section applies to the primary aluminum industry utilizing the horizontal stud Soderberg Processes.

28.3 General Definitions.

28.3.1 Particulate Matter. Material, discharged into the atmosphere in a finely divided form as a solid.

28.3.2 Pot Line Primary Emission Control Systems. The system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is more directly related to the aluminum reduction cell.

28.4 Emission Limitations. No person shall cause, suffer, allow or permit emissions to the atmosphere in excess of the limitations stated in this section. Notwithstanding the specific limits set forth in this section, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control currently available shall be provided in every case of new construction and/or major modifications at existing facilities.

28.4.1 Particulate Emissions

- (a) The total emission of particulate matter to the atmosphere from the reduction process (potlines) shall be reduced to the lowest level consistent with the highest and best practicable technology available to the primary aluminum industry for the Soderberg reduction process, but in no case shall the emission of particulate matter, exceed 12.0 pounds average (quarterly geometric mean) per ton of aluminum produces.

28.5 Monitoring

Each primary Soderberg aluminum plant shall submit a detailed monitoring program subject to revision and approval by the Commission. The program shall include regularly scheduled monitoring for emissions of total particulates as well as ambient air sampling for suspended particulate.

28.6 Reporting

28.6.1 Data shall be periodically reported for each source and station included in the approved monitoring program as follows:

- (a) Ambient Air: suspended particulate concentrations expressed as ug/m^3 (annual geometric mean).
- (b) Particulate Emissions: Results of all emission sampling conducted for particulates, expressed in pounds per ton shall be as specified in the approved monitoring

programs. Particulate data shall be reported as total particulates.

- (c) Compliance with Section 28.4 shall be determined by measurements of emissions from the pot line primary control system plus measurements of emissions from the roof monitor and other points of emission to the atmosphere. Calculated emissions to the Potrooms from the reduction coils based on hooding efficiency determined for gaseous fluoride may be substituted for roof monitor emission measurements in determining compliance with the regulation.
- (d) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

28.6.2

Every horizontal stud Soderberg primary aluminum plant shall furnish, upon request of the State Commission, such other data as the State Commission may require to evaluate the plant's emission control program. Such plants shall immediately report abnormal plant operations which result in increased emissions of air contaminants.

LIST OF TABLES

Table I	Ambient Air Quality Standards
Table II	Ambient Air - Methods of Contaminant Measurement
Table III	Allowable Rate of Emission Based on Process Weight Rate
Table IV	Emissions - Methods of Contaminant Measurement
Table V	Emission Reduction Plans - Alert Level
Table VI	Emission Reduction Plans - Warning Level
Table VII	Emission Reduction Plans - Emergency Level

TABLE I and TABLE IA
 AMBIENT AIR QUALITY STANDARDS

AIR CONTAMINANT	STANDARDS MAXIMUM PERMISSIBLE CONCENTRATION
Suspended Particulate	75 ug/m ³ (Annual geometric mean) 260 ug/m ³ (Maximum 24-hr. concentration not to be exceeded more than once per year).
Dustfall	20 tons per square mile per month
Coefficient of Haze	0.6 (coh/1000 linear feet) (annual geo. mean) 0.75 (coh/1000 linear feet) (annual arith. mean). 1.50 (coh/1000 linear feet) (24-hr. average)
Sulfur dioxide (SO ₂)	80 ug/m ³ or 0.03 ppm (annual arith. mean) 365 ug/m ³ or 0.14 ppm (maximum 24-hr. concentration not to be exceeded more than once per year)
Sulfuric Acid Mist Sulfur Trioxide, or any combination thereof	4 ug/m ³ (Maximum annual average) 12 ug/m ³ (24-hr. average, not to be exceeded over 1% of the time) 30 ug/m ³ (1-hr. average, not to be exceeded over 1% of the time)
Carbon Monoxide (CO)	10,000 ug/m ³ or 9 ppm (maximum 8-hr. concentration not to be exceeded more than once per year) 40,000 ug/m ³ or 35 ppm (maximum 1-hr. concentration not to be exceeded more than once per year)
Hydrocarbons (Other than Methane)	160 ug/m ³ (0.24 ppm) Max. 3-hr. concentration between 6:00 a.m. and 9:00 a.m. not to be exceeded more than once per year)

TABLE I and TABLE IA CONTINUED

AMBIENT AIR QUALITY STANDARDS

AIR CONTAMINANT	STANDARDS MAXIMUM PERMISSIBLE CONCENTRATION
Total Oxidants	58.8 ug/m 0.03 ppm (annual arithmetic mean)
	98.0 ug/m 0.05 ppm (4-hr. maximum)
	160 ug/m 0.08 ppp (maximum 1-hr. concentra- tion not to be exceeded more than once)
Nitrogen Dioxide (NO ₂)	100 ug/m ³ (0.05 ppm) (annual arithmetic mean)

The contribution of any contaminant by a single source property shall be measured as the difference between the upwind level and the downwind level for the property, using methods approved by the Commission, or by the use of suitable engineering techniques such as source-dispersion calculations.

TABLE II
AMBIENT AIR - METHODS OF CONTAMINATION MEASUREMENT

AIR CONTAMINANT	SAMPLING METHODS	SAMPLING INTERVAL	ANALYTICAL METHOD
Smoke	Opacity Measurement	As Required	Ringelmann Chart published and described in the "U.S. Bureau of Mines information Circular 8333" or U.S. Public Health Service Smoke Inspection Guide as described in the "Federal Register, Title 42, Chapter 1, Subchapter F, Part 75."
Coefficient Haze	Filtration	1 hr. Sample	"Journal of Air Pollution Control Association," Volume 13, No. 9 pp. 397-402, Sept. 1963, "Light Transmission Through Filter Paper."
	Filtration		"Standard Method of Test for Particulate Matter in the Atmosphere (Optical Density of Filtered Deposit)," 1966 ASTM Standards, Part 23, "Industrial Water Atmospheric Analysis" American Society for Testing and Material, Philadelphia, Pa., pp.777-784, Report ASTM D 1704-61.
Suspended Particulate	High Volume Sampler	24 hr. Sample	High Volume Method, "Federal Register", Volume 36 No. 84 Friday, April 30, 1971, Washington, D. C., Appendix B pp 8191-8194.
Dustfall	Dustfall Bucket	30 day Sample	Gravimetric, "Standard Method for Collection and Analysis of Dustfall" 1966 Book of ASTM Standards Part 23, "Industrial Water, Atmospheric Analysis", American Society for Testing and Materials, Philadelphia, Pa.

TABLE II CONTINUED
AMBIENT AIR - METHODS OF CONTAMINATION MEASUREMENT

AIR CONTAMINANT	SAMPLING METHODS	SAMPLING INTERVAL	ANALYTICAL METHOD
Sulfur Dioxide	Absorption	24 hr. Sample	Pararosaniline Method, "Federal Register", Volume 36 No. 84 Friday April 30, 1971, Washington D.C., Appendix A pp 8187-8190.
		Continuous	"Federal Register", Volume 36 No. 158, Saturday, August 14, 1971, p 15492.
Sulfuric Acid Mist Sulfur Trioxide	Filtration	1 hr. Sample	Titration, Mader, Hamming & Bellin, "Determination of Small Amounts of Sulfuric Acid in the Atmosphere" Analytical Chemistry, Vol. 22, pp. 1181-1183, September 1950.
Total Oxidants	Chemiluminescence	Continuous	Chemiluminescence, "Federal Register" Vol. 36 No. 84 Friday, April 30, 1971 Appendix D pp 8195-8197.
	Bubbling	24 hr. Sample	Colorimetric, Alkaline Potassium Iodide Method (Acetic Acid Variation), "The Chemical Analysis of Air Pollutants, Morris B. Jacobs, Interscience Publishers, Inc., New York pp 219-223.
Hydrocarbons	Ionization	1 hr. Sample	Flame Ionization technique, "Federal Register" Vol. 36 No. 84 Friday, April 30, 1971 Appendix E pp 8198-8200.
	Bubbling	24 hr. Sample	Carbonyls and olefins determined separately; Carbonyls, Sulfoxylate Method. F. H. Goldman and H. Yagoda. "The Chemical Analysis of Air Pollutants", Morris B. Jacobs,

TABLE II CONTINUED

AMBIENT AIR - METHODS OF CONTAMINATION MEASUREMENT

AIR CONTAMINANT	SAMPLING METHODS	SAMPLING INTERVAL	ANALYTICAL METHOD
			Interscience Publishers, Inc. New York, p. 264. Olefins (four-carbon and higher molecular weight), Color- imetric method, A.P. Alt- shuller and S.F. Sleva, "Analytical Chemistry", Vol. 33, No. 10, pp. 1413-20, September 1961.
Carbon Monoxide	Absorption	Continuous	Non-dispersive infrared Spectrometry, "Federal Register" Volume 36, No. 84 Friday, April 30, 1971, Appendix C pp 8104-8195.
Nitrogen Dioxide	Bubbling	24 hr. Sample	24 hr. Sampling Method "Federal Register" Vol. 36, No. 84 Friday, April 30, 1971, Appendix F, pp 8200- 8201.

TABLE III
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
3,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E = 4.10 P^{0.67}$, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11-40} \quad \text{where } E = \text{rate of emission in lb/hr and} \\ P = \text{process weight rate in tons/hr.}$$

TABLE IV
Emissions - Methods of Contaminat Measurement

Emission	Analytical Method
Particulate	1) ASME PTC 27-1957, "Determining Dust Concentrations in a Gas Stream" 2) EPA Test Method, "Federal Register" Volume 36, No. 247 - Appendix - Test Methods, Methods 1, 2, 3, 4, and 5 pp. 15708-15722.
Sulfur Oxides	1) Seidman, Analytical Chemistry Vol. 30, p. 1680 (1958) "Determination of Sulfur Oxides in Stack Gasses". 2) Shell Development Company Method for the Determination of Sulfur Dioxide and Sulfur Trioxide PHS 99 AP-13 Appendix B, pp. 85-87 "Atmospheric Emissions Sulfuric Acid Manufacturing Processes". 3) Reich Test for Sulfur Dioxide, "Atmospheric Emissions from Sulfuric Acid Manufacturing Processes" PHS 999 AP-13, Appendix B, pp. 76-80. 4) The Modified Monsanto Company Method, "Atmospheric Emissions from Sulfuric Acid Manufacturing Processes" PHS 999 AP-13, Appendix B, pp. 61-67. 5) EPA Test Method, "Federal Register" Volume 36, No. 159 - Tuesday, August 17, 1971, Appendix - Test Methods, Methods, 1, 2, 3, 4, 6, and 8 pp. 15708-15722.
Oxides of Nitrogen	1) EPA Test Method, "Federal Register" Volume 36, No. 159 - Tuesday, August 17, 1971, Appendix - Test Methods, Methods, 1, 2, 3, 4, and 7 pp. 15708-15722.

TABLE V - EMISSION REDUCTION PLANS - ALERT LEVEL

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12 m. and 4 p.m.
3. Persons operating fuel-burning equipment which required boiler lancing or soot blowing shall perform such operations only between the hours of 12 m. and 4 p.m.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level.

Source of air pollution

- | | |
|--|--|
| 1. Electric power generating facilities. | <ol style="list-style-type: none">a. Substantial reduction by utilization of fuels having low ash and sulfur content.b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area. |
| 2. Process steam generating facilities. | <ol style="list-style-type: none">a. Substantial reduction by utilization of fuels having low ash and sulfur content.b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.c. Substantial reduction of steam load demands consistent with continuing plant operations. |

3. Manufacturing industries of the following classifications:
Primary Metals Industry
Petroleum Refining Operations.
Chemical Industries.
Mineral Processing Industries.
Paper and Allied Products.
Grain Industry.

- a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
- b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances.
- c. Maximum reduction heat load demands for processing.
- d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing of soot blowing.

TABLE VI - EMISSION REDUCTION PLANS - WARNING LEVEL

Part A. General

1. There shall be no open burning by any persons.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
3. Persons operating fuel-burning equipment which required boiler lancing or soot blowing shall perform such operations only between the hours of 12 m. and 4 p.m.
4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Warning Level.

<u>Source of air pollutant</u>	<u>Control action</u>
1. Electric power generating	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Process steam generating facilities	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Making ready for use a plan of action to be taken if an emergency develops.

3. Manufacturing industries which require considerable lead time for shut-down including the following classifications:

Petroleum Refining.
Chemical Industries.
Primary Metals
Industries
Glass Industries
Paper and Allied
Products.

4. Manufacturing industries require relatively short lead times for shut-down including the following classifications:

Primary Metals
Industries.
Chemical Industries.
Mineral Processing
Industries.
Grain Industry.

- a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.
 - b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
- a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
 - b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE VII - EMISSION REDUCTION PLANS - EMERGENCY LEVEL

Part A. General

1. There shall be no open burning by any persons.
2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
3. All places of employment described below shall immediately cease operations.
 - a. Mining and quarrying of nonmetallic minerals.
 - b. All construction work except that which must proceed to avoid emergent physical harm.
 - c. All manufacturing establishments except those required to have in force an air pollution emergency plan.
 - d. All whole trade establishments; i. e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.
 - e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county or State government, authorities, joint meetings and other public safety and welfare and the enforcement of the provisions of this order.

- f. All retail trade establishments except pharmacies, surgical supply distributors, and stores.
 - g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.
 - h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.
 - i. Advertising offices; consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.
 - j. Automobile repair, automobile services, garages.
 - k. Establishments rendering amusement and recreational services including motion picture theaters.
 - l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.
4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air

pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local of State police.

Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level.

Source of air pollution

1. Electric power generating facilities.
 - a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
 - b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
 - c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Process steam generating facilities.
 - a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
 - b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
 - c. Taking the action called for in the emergency plan.
3. Manufacturing industries of the following classifications.
 - a. Elimination of air pollutants from manufacturing operations by casing, curtailing, postponing or deferring production and allied operations without

causing injury to persons or damage to equipment.

- b. Elimination of air pollutants from trade waste disposal process which emit solid particles, gases, vapors or malodorous substances.
- c. Maximum reduction of heat load demands for processing.
- d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

FEDERALLY PROMULGATED
REGULATIONS

(10.0) 52.976 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

- (i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:
 - (a) Highways and roads.
 - (b) Parking facilities.
 - (c) Retail, commercial and industrial facilities.
 - (d) Recreation, amusement, sports and entertainment facilities.
 - (e) Airports.
 - (f) Office and Government buildings.
 - (g) Apartment and condominium buildings.
 - (h) Education facilities.
- (ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.
- (iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.
- (iv) The term "aircraft operation" means an aircraft take-off or landing.
- (v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

- (vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.
 - (vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).
 - (viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.
 - (ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.
- (2) The requirements of this paragraph are applicable to the following:
- (i) In an SMSA:
 - (a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or
 - (b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or
 - (c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or
 - (d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.
 - (ii) Outside an SMSA:
 - (a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

- (b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.
 - (iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:
 - (a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.
 - (b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.
 - (iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.
- (3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:
- (i) For all indirect sources subject to this paragraph, other than highway projects:
 - (a) The name and address of the applicant.
 - (b) A map showing the location of the site of indirect source and the topography of the area.
 - (c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

- (d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.
 - (e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.
 - (f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.
 - (g) Availability of existing and projected mass transit to service the site.
 - (h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.
 - (i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.
- (ii) For airports:
- (a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.
 - (b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.
 - (c) Expected passenger loadings at the airport.
 - (d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

- (a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.
- (b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.
- (c) A map showing the location of the highway project, including the location of buildings along the right-of-way.
- (d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.
- (e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

- (a) Cause a violation of the control strategy of any applicable state implementation plan; or
- (b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

- (5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.
- (ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.
- (6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:
 - (a) Cause a violation of the control strategy of any applicable state implementation plan; or
 - (b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.
- (ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.
- (iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

- (7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.
- (8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.
- (ii) Within 30 days after receipt of a complete application, the Administrator shall:
- (a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.
 - (b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
 - (c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.
- (iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

- (iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.
- (v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.
- (vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.
- (9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:
 - (a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;
 - (b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

- (c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.
 - (ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.
- (10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.
- (11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.
- (12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.
- (13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

- (14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:
- (i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.
 - (ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.
 - (iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.
- (15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.
- (16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(14.0) 52.982 Public Availability of Emission Data

(b) Regulation for Public Availability of Emission Data

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b) (1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(17.0) 52.985 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

- (1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.
- (2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.
- (3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.
- (4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- (5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- (6) "Construction" means fabrication, erection or installation of a stationary source.
- (7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

- (2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations		
Pollutant	Class I (ug/m ³)	Class II (ug/m ³)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

- (ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.
- (iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.
- (3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.
- (ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:
- At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and
 - Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

- (c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and
- (d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.
- (e) The redesignation is proposed after consultation with the elected leadership of local and other sub-state general purpose governments in the area covered by the proposed redesignation.
- (iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:
 - (a) The redesignation is consistent with adjacent State and privately owned land, and
 - (b) Such redesignation is proposed after consultation with the Federal Land Manager.
- (iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:
 - (a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
 - (b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.
- (v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

- (a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
 - (b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.
- (vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:
- (a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.
 - (b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.
 - (c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

- (d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.
- (e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.
- (f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.
- (vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may re-submit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

- (i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.
 - (ii) Coal Cleaning Plants.
 - (iii) Kraft Pulp Mills.
 - (iv) Portland Cement Plants.
 - (v) Primary Zinc Smelters.
 - (vi) Iron and Steel Mills.
 - (vii) Primary Aluminum Ore Reduction Plants.
 - (viii) Primary Copper Smelters.
 - (ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.
 - (x) Sulfuric Acid Plants.
 - (xi) Petroleum Refineries.
 - (xii) Lime Plants.
 - (xiii) Phosphate Rock Processing Plants.
 - (xiv) By-Product Coke Oven Batteries.
 - (xv) Sulfur Recovery Plants.
 - (xvi) Carbon Black Plants (furnace process).
 - (xvii) Primary Lead Smelters.
 - (xviii) Fuel Conversion Plants.
 - (xix) Ferroalloy production facilities commencing construction after October 5, 1975.
- (2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

- (i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.
 - (ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.
 - (iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.
- (3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

- (4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.
 - (ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.
 - (iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.
- (5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.
- (e) Procedures for public participation
- (1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.
 - (ii) Within 30 days after receipt of a complete application, the Administrator shall:

- (a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.
 - (b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
 - (c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.
- (iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.
- (iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.
- (v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

- (vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.
 - (2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.
 - (3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.
 - (4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.
- (f) Delegation of authority
- (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.
 - (2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:
 - (i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.
 - (ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

- (3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.
- (4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be re-delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 1975; 40 FR 42012, Sept. 10, 1975)